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May 18, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street,, NW
Room 222
Washington, DC 20554

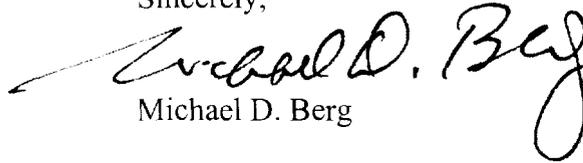
RE: Ex Parte Submission in the Navigational Devices Proceeding
(CS Docket No. 97-80)

Dear Ms. Salas:

In accordance with 47 C.F.R. § 1.1206(b)(1), submitted herewith on behalf of StarSight Telecast, Inc. ("StarSight"), are two copies of written materials for inclusion in the public record. This proposed rule language supplements and reflects the views already contained in StarSight's Reply Comments in this proceeding.

Please direct any questions concerning this submission to the undersigned.

Sincerely,


Michael D. Berg

Enclosure

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May 18, 1998

STARSIGHT TELECAST, INC.

WRITTEN EX PARTE SUBMISSION

(CS Docket No. 97-80)

**PROPOSED FCC RULE LANGUAGE
TO IMPLEMENT SECTION 629,
"COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES"**

(a) *Assurance of Commercial Availability of Equipment Used by Consumers to Access Programming and Other Multichannel Video Services.* No person (including, but not limited to, any multichannel video programming distributor (MVPD)) shall, directly or indirectly, impede, disable, disrupt or otherwise interfere with the commercial availability to consumers, including the use by consumers, of equipment to access multichannel video programming and other services offered over multichannel video programming systems. For purposes of this section, equipment shall include converter boxes, television receivers, interactive communications equipment, navigation devices and any other equipment used by or offered to consumers to access multichannel video programming and other services, including navigational services, offered over multichannel video programming systems.

(b) *Prohibited Activity Defined.* The conduct prohibited by subsection (a) (collectively, "interference") shall occur whenever an act or omission interferes with the ability of consumers to obtain or use equipment, or equipment-delivered services, from manufacturers, retailers or other vendors not affiliated with an MVPD.

(c) *Inadvertent Interference.* Any person who inadvertently violates subsection (a) hereof shall take immediate corrective action to comply with this rule upon being notified of the interference. If a complaint is filed alleging that a person has violated subsection (a), the burden shall be on that person to show that such interference was unintentional and that correction is not technically feasible.

(d) *Protection of System Security.* In the event that interference under this Section occurs in connection with an MVPD's steps to protect against theft of service, the burden shall be on the MVPD to demonstrate that such steps are essential to the protection of such programming or services from theft, and that no technically feasible alternative exists to accomplish that purpose.

(e) *Expedited Complaint Procedure.* Anyone aggrieved by conduct alleged to violate this Section may file a petition for special relief with the Commission pursuant to Section 76.7. Pleadings shall be served as required by that Section.

(1) *Oppositions.* Any person upon whom a complaint is served pursuant to this Section may file an opposition within ten (10) days of service of the complaint.

(2) *Replies.* Within five (5) days of receipt of an opposition, the complainant may file a reply which shall be limited to the matters contained in the opposition.

(3) The Commission shall issue a decision resolving petitions brought under this Section no later than 30 (thirty) days from the date of their filing.

(4) The Commission may, on request of a petitioner or on its own motion, order preliminary or injunctive relief on an interim basis pending complaint resolution pursuant to this Section, and permanently. The Commission may impose sanctions as appropriate.